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Block Reagan's Crude Attempt at Censorship

By Townsend Hoopes

WASHINGTON — President Reagan's Directive 84 on "safeguarding national security information," a flagrant piece of right-wing zealotry, would repress or gravely distort First Amendment freedoms. Fortunately, Congress recently provided a temporary reprieve by passing a measure that postpones the effective date of the directive until April 1. President Reagan has signed that measure, perhaps reflecting a dawning awareness in the Administration that this crude attempt at mass censorship should be reconsidered.

The centerpiece is the requirement for a pre-publication review that would be imposed on present and former Federal Government officials. This is a brazen move to emasculate the First Amendment rights of perhaps 100,000 employees, including those at the highest levels.

It would require these people, while in Federal Government service and after they have left the Government, to submit all of their writings and public utterances for review, whether or not the subject relates in any way to that service and whether or not any classified information is involved.

An Administration spokesman has said that the review requirement covers only writings about "intelligence matters," but the language of the directive covers not only books and magazine articles but also letters to the editor, book reviews, speeches and lecture notes. Moreover, the requirement has no time limit — it is a lifetime sentence.

The Constitution forbids the Government to impose prior restraint on speech; historically, the Government has invoked only limited censorship even in wartime. No responsible person denies the Federal Government's need to protect against disclosure of information truly crucial to national security interests, but this directive would create a comprehensive system of prior restraint without precedent in United States history — and without any justification based on the record. It would mark the beginning of an expansion of the Government's power to censor, which could be unlimited.

The directive would severely affect the quality of public debate on issues of overriding importance, especially issues of defense and foreign policy. It is precisely those people required to sign the constricting agreements who can provide valuable guides to future policy making. To require them to submit their works for clearance would of course inevitably diminish the candor, and thus the intrinsic value, of what they write. Their books would not fully reflect their insights gained in Government service, and policy making would be the poorer for diminished public debate.

How much would the nation have lost if it had been forced to make do with only the sanitized views of, say, Henry L. Stimson, George F. Kennan, David E. Lilienthal, George W. Ball and Dean Acheson?

The directive would place the Government squarely astride the publishing process, flagrantly interfering with free expression. Government officials would judge what is newsworthy in prospective books and articles. At the very least, their participation would introduce paralyzing delays in the publishing process; such delays could wither the incentive to write and publish political works, especially when the material is topical and perishable.

Even if the Federal Government avoided blatantly killing a book, the directive would subject the publishing process to conditions certain to produce the same result. For example, the directive requires that written materials be submitted to the Government before an author even approaches a publisher. If the subject of the book or article related to a topical public issue whose resolution pivoted on the outcome of national de-

bate, the nitpicking review process could effectively destroy the author's opportunity to influence that debate. Some books have been enmeshed in the Central Intelligence Agency's clearance procedures for two years, and have then emerged only because the author conceded critical points — points he felt he could have won in court but which he forfeited to end the delay and to avoid a costly, time-consuming lawsuit.

In addition, Directive 84 might oblige publishers to police an author's adherence to his clearance agreement. It remains an open question whether the Government would be able to confiscate revenues earned by a publisher from a manuscript written by a person who had violated a clearance agreement. This uncertainty, too, could make publishers wary of accepting manuscripts written by former officials.

If the American people will look squarely at the facts and implications of Directive 84, they will not allow this absurd and dangerous situation to continue — in a country built upon the free and unfettered exchange of ideas.

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